

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

W.P. NO.25375 OF 1996

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Between:

M.Kaleemullah Khan and others.

..... petitioners

AND

The Mandal Revenue Officer,
Velgode, Velgode Mandalam,
Kurnool District.

.....Respondent

::JUDGMENT::

Counsel for the petitioners : Sri N.G.K.Nair for Sri

A.Ravishanker

Counsel for Respondent : The Government Pleader

for Revenue

Dated 21/6/2006

This petition filed for quashing notice dated 22.11.1996 issued by the Mandal Revenue Officer, Velgode Mandal, Kurnool District is liable to be disposed of by a short order.

The petitioners have averred that they are in physical possession of the land comprised in S.No.439 of Velgode village. According to them, the land was purchased by petitioner Nos.1,2 and 3 by registered sale deed dated 12.5.1975 and without giving them any notice or opportunity of hearing, the Mandal Revenue Officer concerned, directed them to vacate the land within 24 hours. According to the petitioners, the impugned notice is per se arbitrary and is violative of their constitutional right to property.

Since the respondents have not chosen to file counter affidavit, the Court is left with no choice but to decide the writ petition by presuming that the averments contained in the affidavit of Mulla Shabeer Ahmed (petitioner No.9) are correct.

I have heard learned counsel for the parties and perused the record. The proceedings of this case show that while admitting the writ petition on 28.11.1996, a coordinate Bench had passed interim stay. That order has not been vacated so far. It is therefore just and proper to dispose of the writ petition with a direction that the petitioner should appear before the Mandal Revenue Officer and produce documents to show their title over the property in dispute. Thereafter, the Mandal Revenue Officer shall pass appropriate order. If it is found that the petitioners are owners of the property in dispute and their claim of ownership is supported by documentary evidence, then the Mandal Revenue Officer should drop the proceedings initiated for their eviction. If, on the other hand, the petitioners

fail to produce any tangible evidence to support their claim for ownership, the Mandal Revenue Officer shall pass order for their eviction. This exercise shall be undertaken and completed by the Mandal Revenue Officer within a period of two months from today.

The writ petition is disposed of in the manner indicated above.

The learned Government Pleader for Assignment is directed to communicate this order to the Mandal Revenue Officer concerned through FAX.

G.S.SINGHVI, CJ

Msv.